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National Committee for Constructive...

Regulation and naturalization draft of...

New York City

[1919?]

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National Committee

for

Constructive Immigration Legislation

Regulation and Naturalization

Draft of Proposed Law

Program and Budget

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HEADQUARTERS

105 East 22d Street, New York City

NOV 4 1944 PCR

NATIONAL COMMITTEE

for

Constructive Immigration Legislation

A NATIONAL PROGRAM FOR THE REGULATION OF IMMIGRATION AND THE AMERICANIZATION OF IMMIGRANTS

The time has come for the adoption of a comprehensive and constructive immigration policy and program. The just interests and intrinsic rights of all the peoples concerned should be secured. Labor should be protected from the dangers of unregulated immigration. Our characteristic American political and social institutions should be safeguarded. At the same time we should so deal with Asiatics in America and with the Asiatic peoples as to win their permanent confidence and goodwill. As we now know, these mental attitudes of peoples are transcendently important for the maintenance of right international relations, for banishing talk and fear of war and for securing the largest and most profitable commercial intercourse.

The National Committee for Constructive Immigration Legislation has accordingly drafted a bill based upon these principles. The regulation of immigration which it proposes will permit far more immigration from North and West Europe than will be likely to come—in fact, will not restrict it in the least. It will hold immigration from South, East and North Europe to definite and manageable proportions, regulating it according to our needs as determined by an Immigration Commission. It will thoroughly and permanently protect the Pacific Coast States from all dangers of immigration from Asia. And yet at the same time it recognizes the just claim of Asiatics to receive such courtesy and dignity of treatment as we give to every other race and people and which treatment our treaties pledge us to give. Our laws will be freed from differential and humiliating race legislation.

In more detail the proposed bill provides for:

1. The regulation of all immigration on a percentage principle, with the application of this principle to each people or mother-tongue group separately but impartially.

2. The annual admission of from five to fifteen per cent (or from three to ten per cent) of those of each people already naturalized, including the American-born children of that people as recorded in the census of 1920.

3. The creation of an Immigration Commission to determine annually the rate within the specified limits, with power to admit or exclude labor under exceptional circumstances, and to deal with other specified and exceptional matters of importance, including the formulation of educational standards for naturalization.

4. The sending of examining immigration officers to ports from which immigrants largely sail, and the establishment of regulations for steamship companies which bring immigrants to America, to prevent needless hardship in the administration of the laws.

5. The raising of the standards of qualifications for citizenship and the extension of the privileges of naturalization to every one who qualifies.

6. The separation of the citizenship of a wife from that of her husband.

7. The repeal of all laws dealing specifically and differentially with the Chinese.

This bill if enacted into law will secure many important results:

1. It will admit as immigrants from each people only so many as we can hope to Americanize—because it will allow an annual immigration of new-comers small in proportion to those of that people who have already become American citizens.

2. It will provide a competent Commission to deal continuously with the ever-changing problems of immigration as they arise, with power to adjust the percentage rate from year to year and to deal with special exigencies of labor and of human needs.

3. It will protect American labor from dangers of unregulated immigration, help maintain American economic, social and hygienic labor standards and tend thus to remove the present widespread industrial and social discontent.

4. It will tend to stabilize business by preventing extreme fluctuations of available labor which result in over-production and then in stagnation of business with unemployment of labor, causing incalculable suffering, anxiety and loss, and increasingly ominous unrest.

5. It will raise the standards of naturalization, promote more intelligent practice of citizenship and secure a higher efficiency for our democracy.

6. It will prevent a sudden large influx from any new people having few, if any, representatives already among us, and restrain immigration from peoples that do not readily assimilate with our people; yet at the same time it will increasingly open the doors to those who do assimilate.

7. It will prevent large numbers of uneducated and wholly unqualified foreign-born women from voting merely because their husbands may have become naturalized citizens. It will require such women personally to qualify for citizenship if they desire to have the privilege of citizens.

8. It will give privileges of citizenship to every individual who will properly qualify for the same. This provision will remove in a fundamental way the cause of Japanese irritation and indignation. We give citizenship to many non-Caucassians such as Tartars, Finns and Hungarians; Turks, Syrians, Persians and Hindus; Mexicans and South Americans; Zulus, Hottentots, Kaffirs and men from any tribe in Africa; but we deny it to Japanese and Chinese. This is why both Japanese and Chinese regard our naturalization laws as ignominious and humiliating.

The proposed bill will remove from our laws this humiliation, which is increasingly resented not only by Asiatics in this land but also by their peoples in Asia. Yet in doing away with our differential treatment of Asiatics no danger will be incurred of large immigration from Asia. On a five per cent rate the permissible immigration of Chinese and Japanese would be for many years under two thousand a year, a number smaller than that which now comes yearly.

9. It will be in harmony with our treaty obligations to China, which obligations have been disregarded by our present special Chinese legislation.

(a) The treaty of 1880 says, "the Government of the United States may regulate, limit or suspend the coming or residence of Chinese laborers, but may not absolutely prohibit it." In 1904 Congress enacted a law that "all laws regulating, suspending or prohibiting the coming of Chinese persons are hereby re-enacted, extended and continued without modification, limitation or condition."

(b) The treaty says, that "Chinese in the United States . . . shall be accorded all the rights, privileges, immunities and exemptions which are accorded to citizens and subjects of the most favored nation." Beginning in 1882, Congress has passed a dozen laws dealing differentially with the Chinese, all in marked conflict with this requirement of the treaty. In 1888 the Supreme Court of the United States declared that the

Scott Act of that year was "in contravention of the treaty of 1868 and of the supplemental treaty of 1880. But it is not on that account invalid. . . . This court is not a censor of the morals of the other departments of the government." That law, however, is still in force, as well as all the others establishing differential treatment.

10. By voluntarily setting right our relations with Chinese and Japanese we will secure among them those feelings of goodwill for and confidence in us that are essential not only to successful commercial relations but also to permanent international peace. If we wish in the decades ahead to forestall the much discussed and widely expected conflict of the white and yellow races for the domination of the world, we must begin now to put into practice the universal and inescapable principles of justice, fair-dealing and brotherhood.

The time has surely come to repeal our treaty-breaking laws and to apply the golden rule and the plain principles of international honor to our dealings with the Chinese.

Every one who approves these principles and will aid in securing the enactment of this bill is invited to become a member of the National Committee for Constructive Immigration Legislation.

Contributions, small and large, are urgently needed for carrying on nation-wide education in the principles and program of this movement.

SIDNEY L. GULICK, Secretary.
ALBERT G. LAWSON, Acting Treasurer.
105 East 22nd Street, New York City.

Those who may wish to study the entire question with care are referred to the following volumes:

Fairchild, Henry P., "Immigration" (New York, Macmillan, 1913).

Gulick, Sidney L., "American Democracy and Asiatic Citizenship" (New York, Scribners, 1918).

Hall, Prescott, F., "Immigration and Its Effects upon the United States" (New York, Holt, 2d ed., 1908).

Jenks, J. W., and Lauck, W. J., "The Immigration Problem" (New York, Funk & Wagnalls, 1917).

Ross, E. A., "The Old World in the New" (New York, Century Co., 1914).

Warne, F. J., "The Tide of Immigration" (New York, Appleton, 1916).

Pamphlets are also available for those who desire briefer discussions.

Corrigendum

On page nine, line three, substitute words, Immigration Commission, for words, United States Bureau of Education (or Department of Education).

PRELIMINARY DRAFT

A Bill to Regulate Immigration, to Promote Americanization, and to Modify the Requirements for the Acquisition of Citizenship by Naturalization.

Sec. 1. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Bureau of Immigration and the Bureau of Naturalization of the Department of Labor shall carry out the provisions of this act in all matters not herein otherwise specifically provided for, and that the Secretary of Labor shall have authority to make such distribution of duties and functions between the bureaus named as shall in his judgment be expedient for the proper execution of this act.

Sec. 2. (a) That hereafter the number of alien persons belonging to a given people or mother-tongue group who may be admitted to the United States, including Alaska, Hawaii and Porto Rico, during any one fiscal year, shall be determined, according to the following general rule, by the Immigration Commission hereinafter provided for.

The admissible number shall be not less than five nor more than fifteen per cent* of a basic figure, to be composed of:

A. The number of American-born children of that people or mother-tongue group as recorded in the United States census of 1920, plus

B. The number of naturalized aliens of that people or mother-tongue group as recorded in the last available census, and also plus

C. The number of aliens of that people or mother-tongue group naturalized since that census, as reported by the Chief of the Bureau of Naturalization.

The Chief of the Bureau of Naturalization shall prepare annually the data needed for this computation on the request of the Immigration Commission.

If the basic figure for any people or mother-tongue group shall be found to be less than twenty thousand, the number admissible each year of that people or mother-tongue group shall be one thousand.

The term "people or mother-tongue group" shall be defined and interpreted by the Immigration Commission. It shall be within the discretion of the Immigration Commission to classify as a people all the citizens of a nation or all persons living

*If a lower maximum and minimum rate were desired, this phrase could be made to read "not less than three nor more than ten per cent."

within a specified geographical area. Where such a classification is applied to a group which contains among its members persons speaking different mother-tongues, the Commission shall deduct from the total permissible immigration of those classified by a given mother-tongue classification, the number speaking that mother-tongue which has been made eligible for admission by virtue of citizenship in a nation or residence in a specified geographical area; and the number of arriving immigrants of a given mother-tongue, citizens of such a nation or native to such a geographical area, shall not be taken into account in determining whether the admissible immigration from that mother-tongue group has been admitted in the given year.*

(b) That in addition to those aliens admitted on the percentage basis the following classes of aliens shall also be admitted outside of the percentage figure, provided they are otherwise qualified for admission.

Accredited officials of foreign governments, members of their families, servants and employees, travelers for health, pleasure or curiosity, transient business or professional men to remain in the United States less than one year, students provided with their own funds or guaranteed support by their own governments or by institutions or friends in the United States, ministers or religious teachers, missionaries, teachers, authors, professional artists, their legal wives or their children under sixteen years of age, who accompany them, singers or actors, and aliens employed strictly as personal or domestic servants accompanying their employers.

Married women accompanying or coming to join their husbands.

Children under fourteen years of age coming to join a parent or grandparent.

Aliens in continuous transit through the United States, aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

*This clause would make possible the treatment of the Swiss people, for example, as one people, regardless of the fact that three mother-tongues (German, Italian and French) are spoken in Switzerland. It would permit the treatment of the inhabitants of Belgium as one people; Belgium is bi-lingual. It would allow for the adjustments in classification which will be necessary after the permanent boundaries of new governments are marked off in Europe. It would make possible, for the purposes of this law, the treatment of Hebrews of all nationalities as one people, with a consequent material increase in the permissible immigration of Hebrews.

Aliens who have taken out their first papers and have passed certain tests prescribed by and carried out under the supervision of the United States Bureau of Education (or Department of Education).

English-speaking citizens of Canada.

All aliens who shall prove to the satisfaction of the proper immigration officers or to the Commissioner General of Immigration that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence.

Sec. 3. (a) That the Commissioner General of Immigration is hereby authorized to establish, according to his judgment, in foreign ports from which large numbers of immigrants sail for the United States, examination offices properly manned with expert officials who shall examine all alien passengers desiring to enter the United States. Only those aliens so examined shall be admitted at the port of entry to the United States who have received proper certificates from such officials. The expenses for this purpose shall be made a part of the regular annual budget of the Bureau.

(b) Steamship companies bringing from such ports to the United States aliens who have not received proper certificates from such examiners, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined $100 for each alien so transported, and shall be required to carry back such alien free of charge to the port of debarkation. In case the steamship company collect or attempt to collect fare for their return passage, it shall be guilty of a misdemeanor, and upon conviction thereof shall be fined $100 for each case, of which $100 one-half shall be paid to the immigrant wronged and the other half shall be paid to the Treasury of the United States.

(c) That the Commissioner General of Immigration shall issue a monthly statement showing the maximum number of aliens of each people or mother-tongue group who may be admitted to the United States during the current fiscal year, together with the number already admitted, but when seventy-five per cent of such maximum number of aliens of any people or mother-tongue group has been admitted, like statements relative to such nationality shall be issued weekly thereafter. He shall send such reports promptly to the Chief Examiner in the foreign ports provided for in the paragraph next preceding, and also to the American Consul in all ports from which aliens commonly sail for the United States. When the maximum number of aliens of any people or mother-tongue group shall have been admitted, all other aliens of such people or mother-tongue group

who may apply for admission during the same fiscal year shall be excluded, except that otherwise admissible aliens as provided in Sec. 3 (b) shall be admitted.

Sec. 4. (a) That an Immigration Commission, consisting of the Secretary of Labor, Secretary of Commerce and a third person to be named by the President, be created.

Sec. 5. (a) That the Immigration Commission shall each year determine the percentage rate as provided for in Sec. 2 (a) above for the following fiscal year. In determining that rate it shall have regard to the labor conditions in the United States and to the maintenance of the American standards of living and wages; and shall make such regulations as shall prevent congestion of immigration at any period of the year, promote the convenience of transportation companies, and avoid hardships to the immigrants.

(b) That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Immigration Commission upon the application of any person interested, such application to be made before such importation, and such determination by the Immigration Commission to be reached after a full hearing and an investigation into the facts of the case.

(c) That the Immigration Commission may by special order for a fixed period forbid the admission of laborers of any kind of which they find a surplus in this country upon full investigation and hearings on the facts.

Sec. 6. That section twenty-one hundred and sixty-nine of the Revised Statutes of the United States of America shall be amended to read as follows: "The privilege of naturalization is hereby extended to every alien who shall duly qualify for the same according to law."

Sec. 7. That the Act of June 29, 1906. Section 4, Paragraph 4, be amended by the addition of the following words after the words "happiness of the same" on the eighth line: "and also that he has passed certain tests prescribed by and carried out under the supervision of the Commission of Immigration in (1) reading and speaking the English language, (2) the principles of personal and public hygiene, (3) the history of the American people, (4) the methods and ideals of the Government of the United States, and (5) the rights and duties of citizens."

Sec. 8. That all acts and parts of acts relating to the exclusion of Chinese from and of special treatment of Chinese in the

United States, including Alaska, Hawaii and Porto Rico, shall be and the same are hereby repealed; namely, the acts of

July 5, 1884, September 13, 1888, May 5, 1892,
November 3, 1893, July 7, 1898, April 30, 1900,
June 6, 1900, March 3, 1901, April 29, 1902,
February 20, 1907, August 24, 1912, June 13, 1913,

and all amendments to the same.

Sec. 9. That this act shall be in full force and effect on and from the.....day of..... of the year 1921, A. D.

Sec. —. That the act of February 10, 1855, Sec. 1994, be amended by the substitution of the words "The citizenship of a wife is hereby declared to be independent of that of her husband, male and female aliens being required to qualify for naturalization independently. If a female citizen of the United States shall marry an alien but shall continue to reside in the United States, she shall not forfeit her United States citizenship, but if such female shall take up permanent residence with her husband outside of the United States, she shall thereupon forfeit her United States citizenship. If a female alien residing in the United States shall marry a citizen of the United States, she shall not thereby acquire the status of a citizen of the United States, but shall be obliged to qualify for naturalization in accordance with the provisions of the law. If a female alien shall marry an American citizen in a foreign land, neither she nor her foreign-born children by him shall acquire the status of United States citizenship except by naturalization.

OUTLINES OF PROGRAM AND BUDGET

OBJECTIVE

To secure the adoption by Congress of a bill embodying the concrete proposals of the National Committee.

This Committee endorses the principles of the bills providing for the education of aliens for citizenship as embodied in the bills introduced by Secretary Lane and the National Education Association. Congressman Welty's bill for the registration of aliens seems to provide for the beginnings of a registration system.

PROGRAM OF ACTIVITIES

1. **To Win the Support of Key Persons.**

   (a) The Committee of One Thousand already formed, will furnish the starting point of this movement for public support for constructive immigration legislation.

   (b) Efforts will be made to secure the endorsement of our proposed bill by

   Leaders of Organized Labor
   Executive Committee of the Immigration Restriction League
   Members of the Administration
   Members of the House and Senate
   Members of Chamber of Commerce of U. S. A.
   Members of Commercial and Civic Bodies

We believe the proposed measure when understood will command the support of Labor, of Capital, of Restrictionists and of those who have opposed large Asiatic immigration.

2. **To Secure Adequate Publicity**

   (a) Provision for public discussion of the objects and detailed provisions of the bill at all important public gatherings, conventions, conferences, annual meetings, such as:

   National Education Association
   American Federation of Labor
   Chambers of Commerce, National and Local
   Granges and other Farmers' Organizations
   Rotary, Kiwamis and other Business Men's Clubs
   National Church Conventions
   Women's Federated Clubs and Societies
   Bankers' National Gatherings
   Pressmen's National Conventions

   Scientific and Eductional Congresses and Conventions
   Sociological Congresses and Conferences
   Chautauquas, Lyceums and Formus

Obviously, no one person or type of person can handle the subject at the gatherings of groups so diverse. A special agent for work with labor groups must be enlisted. Those who would speak with authority to the varied types of gatherings must be aroused, thoroughly informed, and enlisted as speakers.

   (b) Magazines and monthly and weekly publications of all kinds must be utilized for high-grade discussions of the proposed bill in its various international, sociological, economic, industrial and political phases. Signed articles by outstanding students of immigration questions must be secured and placed.

   (c) Newspaper Publicity must be widely secured. Material suited to the interests and constituencies of the daily press must be provided:

   Metropolitan dailies
   Newspapers of smaller towns, daily and weekly
   Labor press
   Foreign Language press
   Agricultural press
   Religious press

To secure place for our material in the news press it must have news value. This will naturally take place when our bill is discussed in conventions, congresses, etc. We must see that it is properly given to the papers and to the press associations. All such opportunities must be utilized.

   (d) Paid Advertising

   It is more than likely that space in the papers may have to be purchased in strategic centers and in sections of the country needing special cultivation because of special prejudices or ignorance. It would also facilitate the securing of free publicity. An expenditure of $10,000 for these purposes would be small.

   (e) Distribution of the Bill

   Until our measure is introduced into Congress and printed we shall have to incur the expense of printing and circulation. Our literature must be clear, easily and quickly grasped and attractive. The advice of one or two recognized publicity experts will be essential.

3. **To Organize Political Influence**

   (a) Resolutions of endorsement must be secured from all kinds of organizations, congresses, conferences and gatherings.

(b) The attitude toward our measure of the members of the incoming Congress will have to be determined. This will show where our intensive work of organization and education will have to be done. This will doubtless be needed on—

The Pacific Coast States

Eastern and Central States where foreign-born population is large

States where the Non-Partizan League is gaining power.

(c) The holding of regional conferences with strong speakers will no doubt be needed. These will create publicity having news quality, and should be of great value in regions needing special education.

(d) When the bill has been introduced into Congress there will be need of an effective educational drive in Washington, and perhaps also in some of the state capitals, to show that the proposed measure offers a permanent and fundamental solution of the entire immigration question.

BUDGET (1919)

The major part of our nation-wide campaign of education will be carried forward by individuals and organizations already interested in and dealing with the questions of immigration, Americanization and naturalization. The popular interest in these matters has been widely aroused by various patriotic agencies. It has been mightily strengthened by the experiences of the war. The absolute restrictionists will perhaps fail. In any case, their proposal is framed to be operative for four years only, and this period could be shortened by action of Congress. Advocates of free immigration have no show whatever. The great public of the Pacific Coast States has no disposition to insult the Asiatics; a new attitude toward them is beginning to arise. All these factors will tend to lighten the cost of our campaign of education.

In other words, we do not have to create a public interest in our subject through a prolonged and costly campaign. Such vested interests as we might have to contend with are likely to be silenced through that sudden development of a labor surplus which seems to be inevitable during a period of some months at least (these interests, leaning toward the open door for immigration, being mainly the large employers of unskilled labor). We have further the immense help of the nation-wide sentiment for a world peace, to the insuring of which peace our measure is undoubtedly an important means.

Under these conditions we shall not so much be compelled to break down resistance, or even to overcome inertia, as we shall be required to organize and focus into political influence a public opinion which will incline our way as soon as we make clear the intent and the mathematically-certain consequences of our measure.

For the above reasons it is believed that we can actually carry to passage these various related measures, at a total cost of not more than $80,000. The details of our budget will be about as follows:

Organizing Secretary	$ 6,000
Publicity Secretary (eight months)	5,000
Assistant Secretary	3,500
Three expert stenographers at $20 to $25 per week	3,600
Two or three helpers at $15 to $18 per week	1,900
Office rent	1,500
Travel	7,500
Printing and stationery	10,000
Postage	5,000
Special agents for approach to Labor Organizations, Chambers of Commerce, Religious Bodies, etc.	8,000
Publicity	15,000
Regional conventions (ten)	8,000
National convention	2,000
Contingent fund	3,000
	$80,000

Financial contributions are urgently and immediately needed. Checks should be made payable to Albert G. Lawson.

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TITLE